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March 24, 2025

Honorable Robert M. Levy
United States Magistrate Judge
Eastern District of New York
225 Cadman Plaza East
Brooklyn, NY 11201

Re: O'Hara v. City of New York, et al., 17-cv-04766 (ILG) (RML)

Dear Magistrate Judge Levy:

I am an attorney in the office of Muriel Goode-Trufant, Corporation Counsel of the City of New York, counsel for defendants City of New York, Patricia L. Hynes, as administrator of the estate of Charles J. Hynes, John P. O'Mara, Dino Amoroso, and Allen Presser in the above-referenced matter. I write jointly, with Asher Kest for defendant John Carroll, and Counsel from the Attorney General's Office representing James Brennan, John Keefe, and Jeffrey Wait, in response to the Court's Order dated March 21, 2025, ordering the parties to file an agreed upon deposition schedule, or in the alternative, submit their respective proposed dates.

Despite various efforts made by the parties, we were unable to reach complete resolution to all issues pertaining to the upcoming conference, but have discussed an agreed upon deposition schedule in principle. Therefore, the Defendants submit the following proposed deposition schedule¹:

1. Plaintiff: April 24, 25, and 26, 2025;
2. Defendant John O'Mara: May 5 - 9, 2025;
3. In principle, two non-party to be called between the sequence of O'Mara and Brennan, dates have yet to be confirmed;
4. Defendant James Brennan: May 19 - 23, 2025;
5. Defendant Jeffrey Wait: June 4 - 10, 2025;
6. Defendant John Keefe: June 12 - 18, 2025;
7. Defendant John W. Carroll: June 23 - 27, 2025;
8. Defendant Dino Amoroso: July 23-31, 2025;

¹ Defendants have provided a range of dates that work for Counsel, and have been in ongoing contact with their clients to affirm these dates. Defendants oppose their client being deposed for more than one day.

9. Defendant Estate of Charles J. Hynes²: July 17 - 24, 2025.

In addition, the Defendants further submit that they are prepared to discuss the following positions during the conference; (1) Prior counsel for plaintiff has agreed to permit his client to be deposed for up to two days, this issue has been previously fleshed out with the Court, this has been agreed upon by all parties again; (2) that defendants be deposed for a maximum of seven hours pursuant to the Fed R. Civ. P. Rule 30; (3) location of aforementioned depositions; and (4) witness order.

As it stands, there will be at minimum eight depositions spanning eleven days. Defendants are aware that plaintiff intends to conduct at least two non-party depositions as well, therefore the deposition schedule spanning three months is necessary to conduct all depositions necessary for this matter.

Thank you for your consideration herein.

Respectfully submitted,

/s/ Michael Viviano

Michael Viviano

cc: Counsel of record (*by ECF*)

² Defendant City opposes the deposition of Patricia Hynes, Administrator of Hynes Estate, and will address this at a later date, moreover the date range has yet to be confirmed with Ms. Hynes, but has been provided in good faith as counsel is available.